



www.mbf-law.com

Michael Best & Friedrich LLP
 Milwaukee Office
 100 East Wisconsin Avenue
 Suite 3300
 Milwaukee, WI 53202-4108
 Telephone (414) 271-6560
 FAX (414) 277-0656

48

FAX RECEIVED

DEC 17 2002

PETITIONS OFFICE

DATE: December 17, 2002

FACSIMILE TRANSMISSION

To:

NAME	FAX NO.	PHONE NO.
U.S. Patent & Trademark Office Office of Petitions ATTENTION: GREG TOATLEY	703-308-6916	

FROM: Timothy M. Kelley PHONE: (414) 271-6560

SENT BY: Sharon Johnson EXTENSION: 3107 LOCATION: 30SC

NUMBER OF PAGES, INCLUDING COVER:	9
CLIENT MATTER NUMBER:	092271-9010-01

NOTES/COMMENTS:

RE: U.S. Serial No. 09/980,352
 Filed: November 30, 2001

Following is a REQUEST FOR WITHDRAWAL OF ABANDONMENT along with the supporting papers.

Please acknowledge receipt of these documents by return facsimile to (414)277-0656.

Thank you very much for your assistance with this matter.

THE INFORMATION CONTAINED IN THIS FACSIMILE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, OR MAY BE PROPRIETARY CONFIDENTIAL INFORMATION OF A CLIENT, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

IF YOU DO NOT RECEIVE ALL OF THE PAGES OR IF YOU EXPERIENCE FAX TRANSMISSION PROBLEMS, PLEASE CALL FAX DEPARTMENT AT (414) 271-6560, Ext. 5467 AS SOON AS POSSIBLE.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re
Patent Application of
Robert Scott Youngquist, et al.
Application No. 09/980,352
Filed: November 30, 2001
Confirmation No.: 3107

International Application No. PCT/US00/05194
Int'l Filing Date: 01 March 2000

Examiner: Greg Toatley
"BIARYL COMPOUNDS"

I, Sharon A. Johnson, hereby certify that this correspondence is being sent by Facsimile No. 703-308-6916 to the Office of Petitions to the Attention of Greg Toatley, at the U.S. Patent and Trademark Office, on the date of my signature.

Sharon A. Johnson
Signature

12-17-02

Date of Signature

FAX RECEIVED

DEC 1 / 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

PETITIONS OFFICE

Sir:

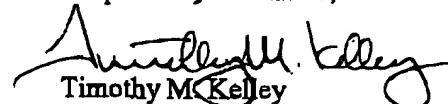
This is responsive to the Notice of Abandonment mailed November 19, 2002. The Notice states that the Applicant did not respond to the Notification of Missing Requirements in a timely manner. However, the Applicant did not receive the Notice of Missing Requirements; and this fact was confirmed by Examiner Greg Toatley. Attached is a copy of our docketing record (which shows that we never received the Notice of Missing Requirements), a copy of the Declaration Combined with Power of Attorney form and a copy of the Notice of Abandonment form.

The Notification of Missing Requirements Form

After a telephone conference on December 17, 2002, Examiner Greg Toatley faxed to the undersigned a copy of the Notification of Missing Requirements form, a copy of this notification is also attached.

In view of the foregoing, Applicant respectfully requests that this Notice of Abandonment be withdrawn and for consideration of the application on the merits.

Respectfully submitted,


Timothy M. Kelley
Reg. No. 34,201

File No. 092271-9010-01

Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108
(414) 271-6560

Country Application

17-Dec-02

Case Number: 092271-9010 **Volume No.:** 002 **Country:** US **SubCase:** 01**Client:** University of Texas Southwestern M United States of America**Case Type:** PCT**Application Status:** Pending**Area(s):****Application Number:** 09/980352**Filing Date:** 30-Nov-2001

WO

Patent Number:**Issue Date:****Publication Number:****Publication Date:****Priority Number:****Priority Date:** 01-Jun-1999**Confirmation Number:****Expiration Date:****Tax Schedule:** LE**Abandonment Date:****Agent:****Agent Reference Number:****List Of Actions**

Action(s) Due	Due Date	Action Taken
STATUS ON RECEIPT OF POSTCARD	30-Dec-2001	Due Date
FILE PRELIMINARY AMENDMENT	28-Feb-2002	Due Date
FILING RECEIPT FOLLOWUP	28-Feb-2002	Due Date
INFORMATION DISCLOSURE STMT.	28-Feb-2002	Due Date
STATUS CHECK ON POSTCARD	05-Apr-2002	Due Date
FILE PRELIMINAR Follow Up Date	30-May-2002	Due Date
STATUS ON RECEIPT/ASSIGNMENT	05-Sep-2002	Due Date
FILE PETITION TO REVIVE	19-Dec-2002	Due Date
FILING RECEIPT FOLLOWUP	30-Dec-2002	Due Date
INFORMATION DISCLOSURE STMT.	30-Dec-2002	Due Date
STATUS CHECK/ACKNOWLEDGING	05-Jan-2003	Due Date
14 MO. FOLLOWUP	30-Jan-2003	Due Date

User ID: mak**Date Created:** 12-Dec-2001**Last Update:** 30-May-2002



Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/980,352		Robert Scott Youngquist	092271-9010

Timothy M Kelley
Michael Best & Friedrich
100 East Wisconsin Avenue
Milwaukee, WI 53202

CONFIRMATION NO. 3107
ABANDONMENT/TERMINATION
LETTER



OC000000009056294

Date Mailed: 11/19/2002

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/08/2002.

FAX RECEIVED

- No reply was received.

DEC 17 2002

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

PETITIONS OFFICE

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Facsimile Transmittal Cover Sheet

UNITED STATES PATENT AND TRADEMARK OFFICE
Office of Petitions
Assistant Commissioner for Patents, Box DAC
Washington, DC 20231

To:

Sharon Johnson

Company:

Fax number:

414-277-0856

Phone number:

414-271-6560-ext 3107

Re:

Notice of Missing Requirements

From:

Gregory J Toatley Jr

Date:

12/17/02

Total no. of pages, including this cover sheet:

3

Sender's reference number:

Recipient's reference number:

 Urgent For Review Please Comment Please Reply Please Recycle

Ms. Johnson,

Here is a copy of the Notice of Missing requirements as requested.

FAX RECEIVED

DEC 17 2002

PETITIONS OFFICE

CONFIDENTIALITY NOTE:

This facsimile transmission and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this transmission or any attachment is prohibited. If you have received this transmission in error, please notify us immediately by notifying the sender, Gregory J Toatley Jr, at 703-305-4066, and delete this copy. Thank you for your cooperation.

Return Phone Number: 703-305-4066
Return Fax Number: 703-308-6916



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/980,352	Robert Scott Youngquist	092271-9010
INTERNATIONAL APPLICATION NO.		
PCT/US00/05194		
IA. FILING DATE	PRIORITY DATE	
03/01/2000	06/01/1999	
CONFIRMATION NO. 3107		
371 FORMALITIES LETTER		
 *0000000007256069*		

Date Mailed: 01/08/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments

FAX RECEIVED

DEC 17 2002

PETITIONS OFFICE

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$85 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

PAULETTE R KIDWELL

Telephone: (703) 305-3656

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/980,352	PCT/US00/05194	092271-9010